

VICTORIA CITY COUNCIL
December 5, 2006

CALL TO ORDER

A regular meeting of the Victoria City Council was called to order by Mayor Will Armstrong at 5:00 p.m. Tuesday, December 5, 2006 in the Council Chambers, 107 W. Juan Linn, Victoria, Texas. The pledge of allegiance was said, and all citizens were welcomed.

MEMBERS PRESENT

Will Armstrong, Mayor
Philip Guittard
Lewis Neitsch
Paul Polasek
David Hagan arrived at 5:15 p.m.
Jim Wyatt
Tom Halepaska

STAFF PRESENT

Charles Windwehen, City Manager
Charmelle Garrett, Assistant City Manager
David A. Smith, City Attorney
Miles Risley, Senior Assistant City Attorney
Ken Gill, City Engineer
Ray Miller, Assistant Planning Director
Richard Jones, Chief of Police
Doug Cochran, Director, Parks and Recreation
Danette Respondek, Director, Human Resources
Lynn Short, Director, Utilities
Gilbert P. Reyna, Jr., Director, Finance
Steve Trevino, Director, IMS
Jerry James, Director, Environmental Services
Wendi DuVall, Deputy City Secretary

APPROVAL OF MINUTES

The minutes of the special meeting of November 14, 2006 and the regular meeting of November 21, 2006 were approved as presented.

CITIZENS COMMUNICATION

Mayor Armstrong congratulated Doug Cochran, Director of Parks and Recreation and the Parks Department on the wonderful Holiday Parade. Mr. Cochran thanked the Council but advised that numerous other City Departments helped to make the parade a success.

Mayor Armstrong asked the public to keep their comments under three minutes in length.

Solid Waste Collection

The following concerns were expressed by individuals who spoke in opposition of once a week garbage collection:

1. Container size and difficulty in pulling the containers to the curb by the elderly.
2. Inconvenience of storing large containers in garage.
3. Would there be an additional cost for the elderly if they sign a waiver allowing City employee to take container to curb?
4. Would there be time constraints concerning when the container could be placed at the curb or brought in?
5. Employees may lose their jobs.
6. Property values may go down.
7. Half the service for twice the cost.
8. The cost of purchasing new automated trucks.
9. Damage to the streets, because trucks only load from one side, they would have to go up one side, load then go down the other side to load.
10. Twice the fuel would be used because of the need to go up and down the streets to collect garbage on both sides, also traffic congestion would increase.
11. Offensive odors.
12. Maneuverability of trucks through the alleys in some subdivisions.

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The following individuals spoke in opposition:

- Bernard Goss, Tangerine Addition
- E.T. Graves, 201 Yuma
- Bill Richter, 401 Dundee,
- Harold Farris, 107 Mariner Drive
- Harold Langan, 206 King Arthur
- Eleanor Brown, 2201 N. DeLeon
- Tillie Maguire, 2501 Juglan Drive
- Shirley C. Kelly, 1201 Pennsylvania
- Coolidge Gerdes 1103 Lawndale
- John Swanson, 205 Cannon
- Connor Home, 104 Fairway
- Ted Matocha, 3203 E. Mistletoe
- Nancy Graves 201 Yuma Drive

Most of them expressed satisfaction in the current service and indicated that they would not mind paying more to keep the garbage collection as is, twice a week. One individual recommended a 10 year true cost analysis on this project before moving forward; stating that the cost of the proposed automated collection was never publicized. Another individual stated that he had lived in a town in Wyoming that went to this type of system and they have regretted it ever since, and have not been able to change back because of the money already invested. Yet another individual suggested putting it to a vote of the citizens.

Those individuals expressing support of once a week collection made the following observations and encouraged Council to move forward with automated collection:

- Taylor Starkey, 404 W. Guadalupe
 - John Bednarczyk, 408 Ridge Drive
 - Richard "Dick" Fritz, 104 Woodwind
 - Herb Watts, 108 Watermark
1. There is no safe way to lift trash cans and place garbage into the trucks without twisting in the process. That type of lifting and twisting causes ruptured discs and other back injuries, which in turn increases workers compensation claims.
 2. It would save the City money.
 3. Funds saved could be used to continue improvements in Riverside Park.
 4. Need to show the general public the difficulty in retaining personnel to do the job and the cost savings, which might help them be more inclined to accept the recommendation.
 5. Possibility of curbside recycling program in the future.

Sirens and Cameras

John Swanson, 205 Cannon, expressed concern over the loud sirens of fire trucks and ambulances and wondered whether there were limits on the sound they generate and the firemen who are exposed to those high levels. He suggested that the flashing lights on those vehicles do a better job of alerting the public. He also expressed opposition to cameras at intersections. He then commended the Engineering Department for their response to the public when asked for information.

Mayor Armstrong recognized Benny Ortiz, Solid Waste Supervisor and Ken Gill, City Engineer for jobs well done.

Habitat for Humanity

Cindy Staley, 1408 N. Glass, Executive Director of Habitat for Humanity, thanked the Council for their consideration of the resolution on the agenda to donate a lot on Callis Street to build a new home. This would bring the total to 15 new houses built in the Silver City area.

Riverside Park and Fire Station Comments

Dick Fritz expressed appreciation to the Council for encouraging doing more with Riverside Park and the river that runs through it. He further suggested using the river for fishing as well as canoeing and kayaking. He commended the Council and staff for considering City owned property for a new fire station and was in favor of letting an architect determine the exact location on that property. He stated that it was an excellent use of tax dollars.

ITEMS FROM COUNCIL

Mayor Armstrong requested an update on the railroad quiet zones at a Work Session in the near future.

Cm. Neitsch expressed concern that businesses were not abiding by the landscaping ordinance and requested that staff check into it and encouraged better enforcement.

Cm. Halepaska advised that an organizational meeting was scheduled for December 9, 2006 at Halepaska's Bakery for a group trying to start a paddling club.

PUBLIC HEARINGS

Mayor Armstrong opened a public hearing on the following items:

PUBLIC HEARING ON SOLID WASTE

Several examples of the proposed trash receptacles were on display for the public to inspect.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none.

RESOLUTION 2006-213R – AUTHORIZING THE USE AND IMPROVEMENTS OF PROPERTY AT TED B. REED PARK FOR A FIRE STATION

The resolution considers authorizing the use and improvement of up to 2 acres of Ted. B. Reed Park (approximately 10-acre park) for a fire station. Miles Risley.

Mayor Armstrong asked if there were any questions from Council or the audience. There were none, and Mayor Armstrong closed the public hearing.

CITY MANAGER REPORTS**Sign Ordinance**

Steve Trevino, Director of the Inspections and Maintenance Services, reported that several months ago Council requested that staff look at the sign ordinance to address the number of variance requests that had been coming before them recently. He advised that a number of the variances had dealt with large commercial properties with large signs or two signs on one property. He suggested addressing one issue at a time with the Inspections and Planning Departments then hold discussions with the Sign Board of Adjustment and Appeals. Mr. Trevino stated that he would like to address the banners, pennants, and flags as a separate issue. Mr. Trevino was directed to come back with recommendations from the above mentioned boards in the form of an amendment to the ordinance.

Several members of Council expressed concern that some areas of the sign ordinance were not being enforced and wanted that looked into as well.

Lone Tree Road Reconstruction Project

Ken Gill, City Engineer, reported that the bidding documents for the Lone Tree Road Reconstruction Project had been received and were being reviewed. A meeting with the contractor and utility companies to coordinate relocation of power lines and removal of trees from North Street to Delmar was planned for Thursday of this week.

RESOLUTION 2006-209R – AUTHORIZING A CONTRACT WITH CUSTOM TREE TRIMMING & REMOVAL FOR THE FISCAL YEAR 2006-2007 TRIMMING OF TREES IN CITY RIGHT OF WAY

The resolution authorizes a contract with Kenneth Eggemeyer, d/b/a Custom Tree Trimming & Removal of Yoakum, Texas, for the Fiscal Year 2006-2007 Trimming of Trees in City Right of Way, in the amount of \$53,075. Doug Cochran.

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RESOLUTION 2006-210R – AUTHORIZING AN INTERLOCAL AGREEMENT WITH VICTORIA COUNTY FOR THE FUNDING OF THE EMERGENCY MANAGEMENT PROGRAM COORDINATOR

The resolution authorizes an Interlocal Agreement with Victoria County for the funding of the Emergency Management Program Coordinator, in an amount not to exceed \$60,000. Gilbert P. Reyna, Jr.

RESOLUTION 2006-211R – ACCEPTING THE BID FOR THE 2006-07 RECLAIM AND OVERLAY PROJECT FROM BRANNAN PAVING CO., LTD.

The resolution accepts the bid for the 2006-07 Reclaim and Overlay Project (which includes various residential streets) from Brannan Paving Co., Ltd., of Victoria, Texas in the amount of \$1,843,584.06. Lynn Short.

RESOLUTION 2006-212R – AUTHORIZING A CONTRACT WITH A&A CONSTRUCTORS, INCORPORATED, OF VICTORIA, TEXAS FOR THE 2006-2007 SIDEWALK PROJECT

The resolution authorizes a contract with A&A Constructors, Incorporated, of Victoria, Texas for the 2006-2007 Sidewalk Project (Victoria Transit Bus Stops) in the amount of \$60,895. Lynn Short.

RESOLUTION 2006-213R – AUTHORIZING THE USE AND IMPROVEMENTS OF PROPERTY AT TED B. REED PARK FOR A FIRE STATION

The resolution authorizes the use and improvement of up to 2 acres of Ted. B. Reed Park (approximately 10-acre park) for a fire station. Miles Risley.

RESOLUTION 2006-216R – RATIFYING AN APPLICATION FOR AN AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA) GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION

The resolution ratifies an application for an Automobile Theft Prevention Authority (ATPA) Grant from the Texas Department of Transportation in the amount of \$61,270. Richard Jones.

RESOLUTION 2006-217R – AWARDING THE BID FOR THE LONE TREE CREEK DETENTION BASIN PROJECT PHASE I TO LESTER CONTRACTING, INC.

The resolution awards the bid for the Lone Tree Creek Detention Basin Project Phase I to Lester Contracting, Inc. of Port Lavaca, Texas in the amount of \$678,105.55. John Johnston.

RESOLUTION 2006-218R – AUTHORIZING AN ADVANCED FUNDING AGREEMENT AMENDMENT #3 FOR STANDARD HIGHWAY IMPROVEMENT PROJECTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)

The resolution authorizes an advanced Funding Agreement Amendment #3 for Standard Highway Improvement Projects with the Texas Department of Transportation (TxDOT), in the amount of \$100,469.82. John Johnston.

RESOLUTION 2006-219R – GRANTING A VARIANCE TO THE SINGLE FAMILY RESIDENTIAL LOT ARTERIAL STREET ACCESS REQUIREMENTS TO FM 2615 ACRE SUBDIVISION NO. 2, OWNED BY GEORGE AND LENA SMAJSTRLA

The resolution grants a variance from Section 21-55(h) of the Victoria City Code, which prohibits single family residential lots from having direct access to an arterial street, to the proposed FM 2615 Acre Subdivision No. 2, owned by George and Lena Smajstrla. John Kaminski.

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Cm. Guittard moved to adopt resolutions 2006-209R, 2006-210R, 2006-211R, 2006-212R, 2006-213R, 2006-216R, 2006-217R, 2006-218R, and 2006-219R, with Cm. Hagan seconding the motion. The resolutions were adopted by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong
NAYS: None

RESOLUTION 2006-214R – EXCLUDING THE CITY FROM THE OPTIONAL PROVISIONS OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The resolution excludes the City of Victoria from the optional provisions of the Health Insurance Portability and Accountability Act (HIPAA). Danette Respondek.

Cm. Wyatt moved that the resolution be adopted, with Cm. Neitsch seconding the motion. The resolution was adopted by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong
NAYS: None

RESOLUTION 2006-215R – AWARDING A CONTRACT FOR THE CITY'S HEALTH PLAN STOP-LOSS INSURANCE TO ING/RELIASTAR LIFE INSURANCE COMPANY

The resolution awards a contract for the City's Health Plan Stop-Loss Insurance to ING/ReliaStar Life Insurance Company of Minneapolis, Minnesota, in the amount of \$18.27 per employee per month and \$52.59 per dependent family per month, in an estimated total amount of \$269,182.80, with a \$125,000 deductible. Danette Respondek.

Cm. Wyatt moved that the resolution be adopted, with Cm. Guittard seconding the motion. The resolution was adopted by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong
NAYS: None

RESOLUTION 2006-220R – AUTHORIZING AN AGREEMENT WITH HABITAT FOR HUMANITY, VICTORIA, TO GRANT REAL PROPERTY LOCATED AT 2607 CALLIS STREET

The resolution authorizes an agreement with Habitat for Humanity, Victoria, to grant real property located at 2607 Callis Street (that was obtained with CDBG funds) to Habitat in exchange for Habitat's agreement to construct at least two single-family housing units thereon and transfer said units to heads of low-income households in accordance with the regulations of the U.S. Department of Housing and Urban Development. Ray Miller.

Cm. Wyatt moved that the resolution be adopted, with Cm. Neitsch seconding the motion. The resolution was adopted by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong
NAYS: None

RESOLUTION 2006-221R – ADOPTING AN UPDATE TO THE PARKS, RECREATION AND OPEN SPACE MASTER PLAN

The resolution adopts an update to the 2002 Parks, Recreation and Open Space Master Plan. Doug Cochran.

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Cm. Guittard moved that the resolution be adopted, with Cm. Neitsch seconding the motion. The resolution was adopted by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

RESOLUTION 2006-222R – RENEWING THE CONTRACT(S) WITH TEXAS MUNICIPAL LEAGUE FOR LIABILITY & PROPERTY INSURANCE

The resolution renews the City's contract(s) with Texas Municipal League for liability and property insurance, in the amount of \$337,830, minus expected premium discounts and "equity return" of approximately \$58,348.90, for a total expenditure of approximately \$279,481.10. Andrew Jacob.

Cm. Neitsch moved to amend the resolution by adding a renewal of flood and earthquake coverage to the City's Blanket Property Policy in the additional amount of \$34,913, with Cm. Halepaska seconding the motion. The resolution was amended by the following vote.

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

Cm. Guittard moved that the resolution be adopted, with Cm. Wyatt seconding the motion. The resolution was adopted, as amended, by the following vote:

AYES: Council Members Guittard, Neitsch, Polasek, Hagan, Wyatt, Halepaska, and Mayor Armstrong

NAYS: None

WORK SESSION

Mayor Armstrong announced that the Council would recess into a Work Session at 6:45 p.m.

Solid Waste

Jerry James, Director of Environmental Services, stated that he appreciated the positive comments about the Solid Waste Department employees and was glad that the public was aware of how hard they work and the service that they provide. He stated that it is a public health issue that has been done very well, but there are improvements that can be made, which is what the automated collection proposal is all about. He stated that a large amount of statistical analysis over the past 10 years had been done on all the concerns that were mentioned earlier in the meeting. The cost of the trucks, savings in personnel cost, cost of the containers, how they would be replaced and how to service the public have all been looked at. The report in its entirety is available for review on the city website and at the Public Library.

Mr. James advised that the public was currently charged less than the service costs, so in an effort to control those costs, the automated system was being proposed to provide service with a greater savings. Another concern has been whether employees would lose their jobs. He advised that Victoria has a low unemployment rate, which does not create a large labor market, which is a problem. He advised that half of the crews were hired through day labor services since there are not enough regular employees because of injuries. He advised that other departments in the City have shortages, so if this program were implemented today some of the current employees could be shifted to those departments that also have staffing problems.

He advised that recycling was another big concern of the public, in that they want the City to do a better job in that area. This program lends itself to making enhancements to the Huvar Recycling Center and developing the recycling centers over the next couple of years.

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Mr. James stated that information would be presented to the general public about how this program would work, why it works, and how it would be implemented. He emphasized that their interests would be taken care of and the high level of personal service would continue to be there.


Answers to questions from Council:


- Mileage would be cut in half.
- Side loading trucks would be used in areas with ditches with no problem.
- Two smaller trucks with back loading semi-automated lift would be used in areas with narrow streets, a lot of street parking, or alley pick-up.
- Those that use bags would have to use the container to eliminate the lifting.
- Some cities have a variable rate for the different size containers, although the cost of disposal is approximately the same.
- It is easier for elderly to roll the containers to the curb than it is to drag them to the curb.
- Theses containers are a lot better at withstanding blowing winds than those purchased at retail stores.
- A full life cycle analysis was done that looked at labor, capital costs, operation and maintenance of vehicles which showed a minimum savings of \$214,000 a year.
- Automated system will produce less spillage on streets.
- Drivers would be trained by other cities that have this type of system.
- If the proposed system is adopted, it could be implemented by June in part of the City.
- Current employees pick up 6 tons per person per day, and work 12 hour days in the heat and cold.

The Council was in full agreement that it needed to be made very clear to the general public that this change would save money in the long run. They also agreed that although some citizens stated that they would be willing to pay more to keep the current system, there were a lot of citizens that an increase of \$3 to \$5 a month would be a financial hardship.

EXECUTIVE SESSION

Mayor Armstrong adjourned the Work Session and announced that there was no need for an Executive Session. There being no further business, the meeting was adjourned at 7:38 p.m.

APPROVED: 
WILL ARMSTRONG, Mayor of the City of
Victoria, Texas

ATTEST: 
SCARLET SWOBODA, City Secretary
